



Planning Commission Meeting Minutes

Tuesday, September 29, 2009

DATE: 8 December 2009

APPROVED BY: *ju3*

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION September 29, 2009

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Siegel called the meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Klco (alt. for Troy), Morse, Schaedlich, Siegel, Zondag and Mmes. Hausch and Pesec. Staff present: Messrs. Boyd, Radachy, and Ms. Myers.

MINUTES

Mr. Schaedlich said the location stated on the second paragraph on page 4 of the July 28, 2009 minutes should be shown as east of Ravenna Road, not west, and that County should be capitalized in the last two paragraphs on page 7.

Mr. Zondag moved and Ms. Hausch seconded the motion to approve the July 28, 2009 minutes with the changes mentioned by Mr. Schaedlich.

Seven voted "Aye".
One abstained.

FINANCIAL REPORT

Mr. Schaedlich moved to approve the July, 2009 Financial Report as submitted and Mr. Brotzman seconded the motion.

Eight voted "Aye".

Mr. Brotzman moved to approve the August, 2009 Financial Report as submitted and Ms. Hausch seconded the motion.

Eight voted "Aye".

PUBLIC COMMENT

There was no comment from the public.

LEGAL REPORT

Mr. Eric Condon, Assistant Prosecutor, said the Employee Policy & Procedure Handbook had been written by one of the Prosecutor's interns and himself. He stated Mr. Schaedlich had mentioned something to him that will need to be changed that will be brought up later in the meeting.

Mr. Boyd informed the members that the handbook was mostly based on the same rules the Commissioners' office had and was about 95% standard material.

DIRECTOR'S REPORT

Mr. Boyd congratulated Mr. Brotzman, Ms. Pesec and Mr. Zondag on being reappointed to the Planning Commission.

Mr. Boyd reported on new projects to be pursued by the staff in the future.

- Willoughby invited us to do a request for proposal for lakefront zoning text. Our proposal is pending in legal review and may be awarded to us at \$3,000, which will cover out costs.
- The Village of Madison approached us for assistance with a land plan in an area containing three property owners who were having a difficult time working together. We are to assist in finding a compromised medium on conservation wetlands with road connections. This is a \$7,000 proposal that is pending.
- Staff and the Stormwater Department are working on a \$100,000 grant application to prepare a Balanced Growth Plan for the Lake Erie Direct Watershed west of Arcola Creek to the east of the Grand River.

Ms. Pesec was question if the multi-zoning project that the staff was working on was backed by the citizens of Fairport Harbor Village. Mr. Boyd replied that these changes were being made because the Coastal Development Plan showed a mixed-use development at the riverfront, which their Planning Commission and Council adopted at that time. In the interim, the Village decided to start the implementation of the portion of the plan that required zoning text amendments on which Mr. Radachy has been working. There were three or four very well publicized public meetings as part of the planning process. Their Comprehensive Plan was done in 2002 and everything has been consistent with it including the mouth of the river, reactivating the waterfront, and possibly pursuing industrial zoning on the Grand River side. The whole waterfront area already has a fairly dense development pattern.

Mr. Zondag stated, on the Stormwater Department's submittal for the proposal, he would like to meet with the Director about how watershed development for nursery utilization could be included.

Mr. Brotzman asked if riverfront or lakefront development was involved and Mr. Boyd replied that it was mostly riverfront. The Riverfront is currently zoned as marine industry and sits idle a vast majority of the time. There is one landowner who may be interested in being involved in a destination-type redevelopment on that site if the zoning was in place and the economy picks up again.

Mr. Brotzman was concerned if consideration had been given to the FEMA maps showing 100-year floodplains in this area and was told the area involved was outside the floodplain. Mr. Adams said there were bulkheads on the Fairport side, but only by the Coast Guard Station on the Grand River side.

Mr. Klco joined the meeting at 7:15 p.m.

ANNOUNCEMENTS

The members were told of the Lake County Soil & Water Conservation District's 63rd Annual Meeting on October 20, 2009, the APA-OPC 2009 State Planning Conference on September 23-25, 2009 and the 21st Annual APA Cleveland Planning & Zoning Workshop on November 13, 2009 in Westlake, Ohio.

SUBDIVISION REVIEW

Subdivision Activity Report

Mr. Radachy reported the following on subdivision activity:

- Mountainside Farms, Phase 2 - Maintenance Surety was released on August 27, 2009.
- Orchard Springs, Phase 1 - Improvement Plans were accepted by the Board of Lake County Commissioners on August 13, 2009 and construction has begun.
- Villa Grande, Painesville Township – The private road off of Lake Road has been recorded, but the developer is in bankruptcy. No plats need to be re-filed. The subdivision is now owned by New Market Corp. who is looking to connect Villa Grande to Lake Erie Shores' Homeowners Association's lakefront parcel.
- Construction Sureties – Staff asked for a determination of how to proceed with a developer wanting to release his Construction Surety, even though they had not filed a maintenance guarantee, because the maintenance time period was completed as part of the Construction Surety. Our Subdivision Regulations state that they are to put their subdivision in maintenance or post a surety prior to the Board of Commissioners signing the Final Plat. On June 27, 2007, the developer was requested by letter from the Utilities Department to provide a bond to the Planning Commission for maintenance. This type of variance request has been granted in the past. Staff informed the Commission that they could require the developer to make a formal

request to come before them in October or make the decision now to follow the one-year rule and allow staff to process this administratively, which is how this has been handled in the past.

Mr. Radachy stated there would only be one or two more of the older subdivision maintenance periods that might be involved in these types of situations because of the new Construction Surety form. He said the board could also direct the staff to change the Subdivision Regulations to cover this loophole.

The new Construction Surety form allows the County to transfer the Construction Surety money to a Maintenance Surety within a certain period of time so this should not happen with new subdivisions.

Mr. Condon said that, since two people have been allowed to do it one way and there is only a couple left, let the staff do it that way.

Mr. Zondag moved to allow the staff to make the decision to follow the one-year rule and process this administratively. Mr. Schaedlich seconded the motion.

All voted "Aye".

Variance Application for Preliminary Clearing /Grading

In response to the July meeting, the Commission had asked staff to see if there was a better policy to speed up preliminary clearing and grading. After discussing this issue with the Lake County agencies involved and talking to agencies from other counties, staff decided to tighten up the variance application process for clearing and grading. The Lake County Soil and Water Conservation District will ask for a little more information on the details as to where the grading is located on their site plan. Staff prepared a more thorough variance application form that would establish guidelines for the applicant and provide additional information for the staff and its board in the decision-making process.

The members discussed wanting better parameters to help decide how hardships should be applied to allow the variance.

Staff suggested the Commission had the ability to change the Subdivision Regulations to allow for certain situations and to define preliminary grading. The Regulations state there is no grading until the Preliminary Plan is approved by the Board of Commissioners.

Mr. Brotzman was concerned as to what constituted a hardship because of the time of the year. It was determined it should be considered with a certain amount of reasonableness.

Mr. Boyd stated that the form's intention was not to try to slow the developer down, just to attempt to get more information to assist in making a good decision.

Two corrections were made to the variance form. The word "acknowledge" was misspelled and the word "a" should be placed before the word "nuisance" in the last few lines of the form.

Mr. Adams wanted staff to find a way to help a developer go forward in a timely fashion if there was a hardship not caused by the developer. He wanted to know if there was some way to go to all the agencies to see if they are willing to go along with the developer going in early and removing stumps. Then we would not have to go through the variance process and risk a lawsuit by someone else to whom we did not grant a variance. He said the form had not accomplished what he had set out to do.

Mr. Condon asked if the developer was getting ahead of himself by doing the ponds, etc., early. Mr. Boyd stated that if he did not have a set of plans approved by the County, we would be authorizing him to just go out in the field and do whatever he wanted without any plans in place, Construction Surety in place or under any supervision. Mr. Condon felt that if a developer went under after grading and without a Preliminary Plan, there would be ponds left there and did not see why that would be a problem. Mr. Zondag thought it was possible it could become an environmental issue if the developer clears everything and digs ponds and leaves it like that for a period of time. Mr. Condon did not have a problem with this situation.

The Director stated the staff had checked with Geauga County to determine whether Lake County was being too strict. Most agencies did not have a problem with allowing them to get on the site early as long as it was under a set of parameters or guidelines. After meeting with the various Lake County department heads, the parameters and needs were expressed in the form submitted.

Mr. Radachy stated that in order for us to allow the developer to get on site and do some preliminary clearing and grading in the right away without a variance, the first regulation in the Subdivision Regulations would have to be changed. Then this debate could be re-opened and the Regulations would have to be reviewed.

Mr. Siegel said that, in most cases, the contractors are only considering what needs to be done to beat the weather.

Mr. Zondag stated having a plan on the table was good so there would be no issue, as a Planning Commission, of whether we did our job in helping to see that the project was properly done.

It was determined that the members needed to act on the variance form. The Lake County Soil and Water Conservation District would now ask for a SW3 plan modification for the area of the variance. Utilities could not go in until the Preliminary Improvement Plans have been signed as in the past.

It was stated that staff should work on defining preliminary grading.

It was the consensus of the members to instruct the staff to begin using the new *Variance Application for Preliminary Grading* form.

Variance Application for Temporary Cul-de-sacs

Concord and Painesville Townships had reviewed and liked the new form. Some options that could be used by a developer/engineer when there is good reason for not using a regular temporary cul-de-sac were shown on the new variance application by Mr. Radachy.

The Planning Commission would still need to be involved in the final variance approval or denial to allow an optional turnaround.

It was the consensus of the members that the staff should begin using the new *Variance Application for Temporary Cul-de-sacs* form.

LAND USE AND ZONING REVIEW

There were no Land Use and Zoning items to review.

REPORTS OF SPECIAL COMMITTEES

A synopsis of the Lake County Coastal Plan Committee meeting held on August 26, 2009 was included in the mailing to keep the members updated.

CORRESPONDENCE

The Painesville Township Trustees submitted a letter of thanks for the staff's assistance in directing their reviewing process and in revising the proposed zoning text.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Fee Schedule

Staff is requesting increasing the lot split plat fee from \$100 to \$170 plus \$55 per lot because they require more staff time and in-house costs than a regular lot split.

Staff also requested increasing the costs of property divisions, acreage transfers and lot line adjustments from \$50 to \$100.

Mr. Zondag moved to increase the fees as they are presented and Mr. Adams seconded the motion.

All voted "Aye".

Employee Policy and Procedure Handbook

It was the consensus for the members to review the Employee Policy and Procedure Handbook and to discuss it next month.

Print Costs

There is nothing to present today. Staff is still working on this item.

Resolutions of Appreciation

Mr. Morse moved to approve the Resolution of Appreciation for Ruth Garland's services on the Land Use and Zoning Committee and Ms. Hausch seconded the motion.

All voted "Aye".

Mr. Schaedlich moved to approve the Resolution of Appreciation for the services of Bryce Tischer on the Lake County Coastal Plan Committee. Mr. Morse seconded the motion.

All voted "Aye".

Wetland Mitigation/Land Bank

Mr. Boyd was asked to have staff research information on what would need to be done in order to have a land bank for wetland mitigation in Lake County. Chagrin Watershed Partners established a grant program (only in the Chagrin River area) to research the feasibility of sites for a mitigation bank.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Ms. Hausch moved and Mr. Zondag seconded the motion to adjourn the September 30, 2009 meeting.

All voted "Aye."

The meeting adjourned at 8:05 pm.